



Federal Communications Commission
Washington, D.C. 20554

January 13, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Kay Bailey Hutchison
United States Senate
10440 North Central Expressway
Dallas, Texas 75231

Dear Senator Hutchison:

This letter responds to your correspondence concerning the Commission's Notice of Proposed Rulemaking (Notice) in PR ~~DOCKET FILE COPY~~ ^{ORIGINAL} No. 93-61, to develop regulations for Automatic Vehicle Monitoring (AVM) systems operating in the 902-928 MHz band. In your letter you enclose correspondence from James J. Griffin, Executive Director of the Texas Turnpike Authority. Mr. Griffin urges that the interests of toll tag systems receive careful consideration as the Commission moves this matter to resolution. Senator Gramm and Congressman Johnson also forwarded Mr. Griffin's letter to us.

As you know, the Commission has the responsibility for ensuring spectrum use that best serves the public interest. This often requires striking a balance among competing uses. The Commission must not only evaluate tangible effects, but also the potential benefit particular uses present. Determining the most beneficial use demands merging technical, economic and legal disciplines and is as difficult as it is complex. Parties participating in the proceeding have represented wide and varied views, including wide-area AVM service providers, local-area AVM providers such as toll tag readers, manufacturers and users of Part 15 equipment, and Amateur operators. The review of the 902-928 MHz band reflects the Commission's endeavor not simply to accept the status quo, but to implement a structure that best meets the public interest.

The shared use of 902-928 Mhz frequency band by various groups makes this challenge even more difficult. The present priorities for access to this band that have been established among these groups is an important starting point. Users with lower priority generally must accept interference from and may not cause interference to users that have a higher priority. Specifically, the 902-928 MHz band is primarily allocated for use by the federal government for Radiolocation, Fixed and Mobile services, yet the federal government users must accept interference from Industrial, Scientific and Medical (ISM) devices. Following the federal government and ISM devices on the priority scale are AVM systems. Next are Amateur radio operators and then the Part 15 users that are eligible to operate in this band. As the lowest priority, Part 15 users are not permitted to cause interference to any of the other users.

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In the Part 15 area, the Commission is aware of the significant development in unlicensed devices. As you note, the range of new radio products serving the public and business and demonstrates significant investment and productivity gains. Part 15 products operate in numerous frequency bands throughout the radio spectrum. In the 902-928 MHz band alone, the Commission has authorized more than 20 different types of products for operation in this spectrum to more than 130 manufacturers. The Commission receives about 20 applications a month for approval of products in this part of the spectrum.

With regard to AVM, the current interim rules governing operations of AVM systems have been in place for 20 years. The Commission's record reflects that AVM systems have become the focus of increased investment opportunities. There is significant promise for enhancing public safety and convenience through its ability to track vehicles, collect tolls, determine traffic patterns and congestion, and reroute traffic. Mr. Griffin articulates well the importance this technology to not only Texas, but to state and local governments throughout the country. Moreover, AVM holds substantial promise of enhancing the efficiency and effectiveness for private sector transportation activities. Overall, advocates assert that beyond the substantial economic and safety benefits that will accrue, AVM will reduce commuter travel time and highway congestion, as well as decrease energy consumption and pollution.

One of the fundamental issues that must be confronted by the Commission is the level of interference that can be tolerated among and between the various users of this spectrum. Several parties argue that some of the planned AVM systems, primarily those that would be used to track vehicles with multilateration technology, rely on weak signals that are easily interfered with. The source of the interference is generally perceived to emanate from Part 15 devices as well as other AVM systems. Advocates on behalf of Part 15 devices express similar concerns regarding interference but more significantly regarding Part 15 devices' non-interference requirements and the continued viability to operate in the 902-928 MHz band. As you can understand, the advocacy on behalf of any one party tends to urge the primacy of that party's own interests, exclusive of others.

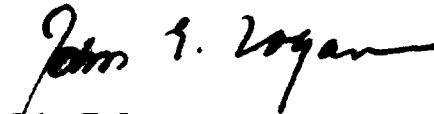
In this proceeding, the issues that must be resolved essentially revolve around whether accommodation is possible. Beyond comprehending the legitimate expectations of consumers and manufacturers of Part 15 devices as well as recognizing the potential of AVM, is the need to adopt permanent rules regarding this band. The ability to expand the use of the band while at the same time determining the degree to which different users can coexist requires

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insight into technological limitations as well as the economic costs at stake. The proficiency of the parties themselves to resolve interference is a significant element. In weighing the various options and issues, ranging from the degree of spectrum sharing to the means of assigning licenses, the Commission is sincerely committed to a structure that will best enhance competition and choice.

As the Commission seeks to move this matter to resolution, we appreciate very much receiving your letter. Please be assured that Mr. Griffin's views are being given careful consideration and are important to the Commission's evaluation. Please call upon us if we can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Logan", with a stylized flourish at the end.

John E. Logan
Deputy Director
Office of Legislative and
Intergovernmental Affairs

KAY BAILEY HUTCHISON
TEXAS

United States Senate

WASHINGTON, DC 20510-4304

COMMITTEES:
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AND TRANSPORTATION

PLA
PR-AVM
6414

Mr. William F. Caton
Federal Communications Commission
ATTN: Licensing Division
1919 M. Street, N.W. Room 222
Washington, D.C. 20006

Dear Mr. Caton:

The attached communication was forwarded to me by a constituent who is concerned about a matter that falls within your agency's jurisdiction. I would appreciate it if appropriate inquiries could be initiated and a response prepared for me to report to my constituent.

In the event you require more information, please do not hesitate to contact my Director of Constituent Services, Mary Fae Kamm, at 214-361-3500.

Thank you for your courtesy.

By Direction of:

KAY BAILEY HUTCHISON

PLEASE REPLY TO:

Office of Senator Kay Bailey Hutchison
Attention: Mary Fae Kamm
10540 N. Central Expressway, Suite 1160, LB 606
Dallas, Texas 75231



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Dallas, Texas 75219
Phone 214/522-6200
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December 16, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20006
STOP CODE: 1170

Re: Ex Parte Communication in PR Docket No. 93-61
Automatic Vehicle Monitoring (AVM)

Dear Mr. Caton:

This is to notify you that I spoke by telephone with Ms. Ruth Milkman, Senior Legal Advisor to Chairman Hundt, on December 14 concerning this proceeding. As a major user of the tag type of AVM technology, I emphasized to Ms. Milkman the need for licensees of this type of AVM to continue to have access to at least 14 MHz of contiguous spectrum in the 902 - 928 MHz band. Even this would be less than the 16 MHz to which we currently share access. Currently, we utilize a read-only technology. As such we operate facilities in both the 904 - 912 and 918 - 926 MHz sub-bands. In order to make future improvements to operate the new generation of read-write tags, we will continue to need access to at least two six MHz channels and 14 MHz contiguous. This bandwidth will make it possible for us not only to have some flexibility in resolving interference by shifting the center of the channel so as to work with other users of the spectrum but also will facilitate use of portable readers by public safety personnel.

Yesterday, I spoke with Mr. Ron Netro of the Wireless Telecommunications Bureau of the Commission and covered the same points with him.

As one of the nation's first users of tag technology in an AVM application, the Texas Turnpike Authority urges the Commission to continue to make spectrum available in the 902- 928 MHz band for such systems. The Texas Turnpike Authority today has approximately 80,000 toll tags in use. Such users as well, as this state agency, who daily depend on this would be ill-served

